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## NEW BOOKS REVIEWED

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THE LIFE AND CORRESPONDENCE OF PHILIP YORKE, EARL OF HARDWICKE, LORD HIGH CHANCELLOR OF GREAT BRITAIN. By PHILIP C. YORKE, M.A. OXON. Cambridge: at the University Press; Chicago: The University of Chicago Press, 1913.

Philip Yorke, who became Earl of Hardwicke in 1754, was Lord High Chancellor of England from 1737 to 1756—a period covering the greater part of the reign of George II. The work and opinions of the Lord Chancellor have importance both legal and political. During his tenure of office, English law underwent a great transformation—a transformation largely guided and promoted by the Chancellor himself. As a statesman, he appears to have been a steady supporter of the administration and of the Whig policies, a firm friend of Lord Newcastle, a peacemaker, a man of authority and sound sense, not much in advance of his age, but moderate, clear-headed, just. In reading the story of his career and the exposition of his judgments, we obtain a calm, reasonable, contemporary view of the period over which his active life extended. Needless to say, no contemporary view coincides exactly with the final judgments of history; but as a point of departure from which to explore “the devious courses and obscure windings of petty intrigue,” and of party politics during the period in question, a tentative acceptance of Lord Hardwicke’s attitude is safe and advantageous. He was conscientious and consistent. His accounts of public questions are unwarped by self-interest or eccentricities of judgment, and in reviewing his estimates of men and affairs we need be on our guard only against a conservative tendency and against decidedly Whig predilections, inherited from the period of rampant and dangerous Jacobitism.

The three volumes which contain Lord Hardwicke’s life and correspondence form, in short, a complete and somewhat *ex parte* exposition of the opinions of a level-headed, responsible Whig during the reign of George II. The narrative which connects and explains the excerpts from the Chancellor’s correspondence takes its tone wholly from the letters. To all intents and purposes, the book might have been written in the eighteenth century—that period which Philip Yorke in his introduction lauds so highly as the “classical age.”

That the eighteenth century was a period of great political and industrial progress, and of imperial expansion on the part of England, cannot, of course, be disputed: that it was a truly classical age with respect to literature, manners, and morals, is more or less open to doubt. In fact, the greater our familiarity with the life of the times, the better we learn

to understand the intense cynicism of Swift. In Philip Yorke's narrative no attempt is made to conceal the evil conditions of the epoch—the venality, the vice, the damp disapproval of zeal, secular or religious. This was the period in which Walpole remarked that he could make a “patriot” at any time by refusing an unreasonable request. It was the period in which Newcastle and others trafficked shamelessly in money and patronage. Yet it was a period, too, in which sentiment held unreasonable sway; for it was to sentiment of a sort that the Jacobites owed all, or nearly all, their strength. Doubtless many a substantial gentleman who drank secretly to “the King over the water” was by no means ready to join the ranks of the Pretender when he advanced upon English soil. In this “age of common sense”—an age in which false sentiment flourished side by side with cynical disregard of decency—men cultivated a stately style of speech, of dress, and of correspondence. But where stateliness is the fashion, pomposity becomes the fad. People who could not spell wrote letters in the periodic style, replete with fulsome compliments and stiff circumlocutions. The literary exercises written at school by Lord Hardwicke's sons sound to modern ears incredibly priggish and Addisonian. It is difficult for all but the most gifted of the Lord Chancellor's correspondents to reach the point of their discourses in less than twice the space a modern would require.

In style, Philip Yorke reflects the dignity and clearness of the eighteenth-century writers without their faults. With the ruling ideas of the age he shows greater sympathy than do most moderns. He thus defends the severity of the then existing criminal laws: “The little importance attached to human life and to human suffering must be regarded, therefore, not as a sign of the brutality of the law, but of the general spirit and civilization of the period. In our own more fortunate and settled times the sense of security is so complete that the more inhuman crimes can now be viewed without fear as accidents of curious and dramatic interest only. . . . But one cannot read far into the records of these times without being convinced that the preservation of life and property and the suppression of disorder and violence among the populace were the principal and most important tasks which confronted the Hanoverian statesmen, and it is one of their chief glories that now were firmly laid the strong foundations of the social order upon which in after years was built the great edifice of empire and progressive well-being.” No doubt there is much truth in all this; yet Fielding, a contemporary of Lord Hardwicke's, complained of the indiscriminate severity of the law as both inhuman and ineffective. Thus, the narrative, throughout, is eighteenth century and decidedly Whiggish in tone.

The Whigs of that day, be it remembered, were they who believed that the safety and prosperity of the country lay in the hands of the rich and powerful land-owners, as opposed to King and Commons. The Hanoverian dynasty was of their making, and their business it was at once to support the King, and to limit his power. George II., by turns obstinate and tractable, on the whole served their purposes well, though in their eyes, as abundantly appears, he was a weak, unsatisfactory instrument. George III. escaped from their guardianship altogether, and they promptly despaired of the country's future. A passage in *The Life and Correspondence of Lord Hardwicke* relating to the period immediately follow-

ing the death of George II., reflects the Whig frame of mind. "It was not, however, until the death of the Old King," writes Mr. Yorke, "that the value of his strong personality and of his capacity for government was thoroughly understood and realized. The misfortunes and confusion consequent upon his disappearance from the scene give the measure of the great services he was rendering to the nation." Continuing, he quotes with approval Mrs. Montagu, who wrote that "if we consider only the evils we have avoided during his late Majesty's reign, we shall find abundant matter of gratitude toward him and respect for his memory," and Burke, who, "writing from the gloom and shadow of the next reign . . . extends this eulogy still further."

Of the conservative Whig party—a party of undemocratic principles, a party of enlightened expediency, and of somewhat narrow views—Lord Hardwicke was a firm pillar. In the necessary political work of the day, which this party performed, he aided powerfully. Among his great achievements is reckoned the cementing of the union of England and Scotland; and it is suggested that if he could have applied his great talents in a similar manner to Ireland, much subsequent difficulty might have been obviated. Always the man to whom his wrangling colleagues turned in time of trouble, he it was who brought about the famous Pitt-Newcastle coalition as well as many other useful agreements; and chosen, as he often was, to remonstrate with the King, he succeeded in keeping the respect of both ministers and sovereign.

Considering his party affiliations and sincere views, it is not perhaps so surprising as at first it may appear to find Lord Hardwicke throughout his long career in the closest association with the Duke of Newcastle. Newcastle, who in the famous Coalition, "gave everything" while Pitt "did everything," is generally represented in history as a cheap corruptionist, glorying in power conferred by the dexterous use of bribes and patronage. Far more favorable is the Hardwickeian view of him. His eccentricity, "nervous emotionalism, fearfulness, fretfulness, want of self-reliance and fortitude" are admitted. On the other hand, "it is unjust to represent him as guided entirely by selfish and ambitious motives in his public life. He was sincerely and firmly attached to the Hanoverian dynasty and the Protestant cause, and he did good and solid service for his country. He consistently resisted, even at the risk of losing power and place, the King's Hanoverian tendencies, conducted foreign affairs in most difficult times, on the whole with wisdom, managed with great success the national finances, and provided for expensive and burdensome wars. Throughout his long tenure of office he maintained a character beyond even the suspicion of corruption."

As friendly to Newcastle, Lord Hardwicke was consistently distrustful of the elder Pitt, whose character, we are told, he thoroughly understood. Plainly he regarded "the Great Commoner" as a dangerous firebrand, a self-seeker, a demagogue. Doubtless no one—not even Lord Rosebery—would undertake to pronounce upon Pitt's sincerity at every moment of his career; yet history on the whole, justifies his courses, and in the Yorke narrative quite enough is made of his impetuosity and inconsistency. Equally hostile, of course, is the attitude toward Cartaret—an unquestionably able diplomat who played none too scrupulously upon the King's weakness for Hanover and thus interfered with the Newcastle

plan of salvation for the country. Henry Fox is treated with the contempt he probably deserves.

During the period of real danger from the Jacobites—the period preceding and during the rebellion—the necessity of maintaining a stable government seems to justify the methods of those in power. Still, it is surprising to read the Lord Chancellor's opinion regarding the notorious "Appin murder," which came up for trial soon after the English victory of Culloden. There seems to have been no very solid proof connecting James of the Glen with the murder of Colin Campbell, King's agent upon the forfeited estate of Stewart of Ardsziel; yet the Chancellor writes of James in these terms: "Criminals of this kind are seldom wanting in strong asseverations of their innocence, especially when the evidence against them consists altogether of circumstances; but such proof is often more convincing than positive witnesses, who for corrupt reasons may swear falsely. I hope that the proper officers will take care that the prisoner be kept by himself, free from any resort of company and with low diet, which may perhaps at last induce him to confess his guilt and discover his accomplices." Not a word is said, of course, about the need of propitiating the powerful Campbell clan, and perhaps this motive did not weigh with the Chancellor.

A case belonging to a later period and enlisting greater sympathy is that of another scapegoat, Admiral Byng, who, it seems, should have been allowed to share responsibility for his failure at Minorca with the weak and blundering Newcastle ministry. Instead, he was court-martialed and shot. In the Yorke narrative and correspondence, it is ingeniously argued that Byng was guilty of unwillingness to risk his reputation in behalf of his country—in other words, of treason. Instances of such a nature are indicative of a not unnatural political bias; but the narrative is thoroughly honest, and in forming our opinions we have no difficulty in making whatever allowances are required.

As to the contents of the treatise, it gives a fairly complete account of English affairs, domestic and foreign, covering a period of more than a quarter of a century; it contains letters and documents throwing light upon the negotiations of the time, and includes accounts by eye-witnesses of such famous battles as Fontenoy, Dettingen, and Culloden. The Chancellor's work as a jurist is reviewed, and several of his most important cases are given in some detail. In general it is shown that Lord Hardwicke greatly furthered the "peaceful penetration" of the common law by the principles of equity, while his love of "certainty and repose" operated to prevent confusion in future and distant times. In one case, however—a case involving slavery—his decision shows him to have been at any rate not far in advance of the thought of his age.

Among the many merits which may be justly claimed for *The Life and Correspondence of Lord Hardwicke*, wit is not one of the chief, yet as a young lawyer the Chancellor made at least one contribution to the nonsensical side of *belles-lettres*. Being pressed by a certain judge to confess that he had written a book, he at length acknowledged that he was composing a metrical version of "Coke upon Littleton." Urged to give a sample of his work, he responded thus, making use of some of the judge's pet mannerisms of speech:

"He that holdeth his land in fee  
Need neither to quake nor to shiver;  
I humbly conceive, for look, do you see,  
They are his and his heirs' forever"

—a stanza that has almost the fatal fascination of "Punch, Brothers, Punch."

In conclusion it should be said that the *Life and Correspondence* corrects errors of previous ill-informed or prejudiced biographers of Lord Hardwicke, and presents an apparently just portrait of a really eminent man, together with a wealth of historical information.

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A HISTORY OF THE PEOPLE OF THE UNITED STATES FROM THE REVOLUTION TO THE CIVIL WAR. By JOHN BACH MCMASTER. Volume VIII. New York and London: D. Appleton & Company, 1913.

The eighth volume of McMaster's *History of the People of the United States* brings the narrative to that period of rapid industrial expansion and violent political conflict which lies between the years 1850 and 1861. Admiration of the author's clear and comprehensive method of treatment, his grasp of diverse problems, and his mastery of the art of compact expression, increases as we see the skill and accuracy with which he traces the many important tendencies of this dynamic and confusing epoch. Politically, public opinion is made the *leit-motif*, and in this way the story of political bickerings and compromises becomes indeed a history of the whole people. By a system of abridged quotation which conveniently does away with repeated pronouns and verbs of saying, we are enabled to realize the parts taken in the great slavery controversy by Calhoun, Webster, Clay, Douglas, Lincoln, all the great men of the day. The discussion broadens from Congress to the press of the whole country; we catch the very ring of popular opinion; we know what the people did and felt, North and South. Quite as full and satisfactory in treatment are those sections of the volume which deal with non-political topics: the rush to the gold-fields in 1849, problems of city government, immigration, the extension of railroads, the Erie War, the labor movement, strikes for a ten-hour day, the woman's rights movement, and a multitude of similarly interesting and important subjects, merging into the tendencies of our own time, are lucidly discussed in a single chapter. Without destruction of balance, the narrative extends, with something more than passing allusion, to such subordinate matters as the teachings of Mrs. Bloomer, the "Rochester Knockings," and the craze for Spiritualism. In the chapter upon "International Entanglements" the revolutionary movement in Cuba is viewed in connection with the European revolutions of 1848; our dispute with Great Britain over the fisheries is explained without exaggeration of its importance, and we are made to understand both the social and political significance of Louis Kossuth's visit to America. The chapter entitled "Eighteen Hundred and Fifty-seven" analyzes not merely the financial panics, but their social symptoms and consequences. A later chapter, "On the Plains," describes the laying-out of the Pacific railroad routes, and even such a matter of strictly minor but curious interest as the importation of